

Phillips v. Collin Cnty. Cnty. Coll. Dist., et al.

Exhibit F:
Deposition of Abe Johnson

Abe Johnson

February 14, 2023

1 THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION

4 JOSEPH MICHAEL PHILLIPS,)
5 VS. Plaintiff,) Civil Action
6 COLLIN COUNTY COMMUNITY) No. 4:22-cv-184-ALM
7 COLLEGE DISTRICT, et al.,)
8 Defendants.)
9 -----
10 ORAL AND VIDEOTAPED DEPOSITION OF
11 ABE JOHNSON
12 FEBRUARY 14, 2023
13 -----
14
15
16 ORAL AND VIDEOTAPED DEPOSITION OF ABE JOHNSON,
17 produced as a witness at the instance of the Plaintiff,
18 and duly sworn, was taken in the above-styled and
19 numbered cause on February 14, 2023, from 9:05 a.m. to
20 12:39 p.m., before Christy Cortopassi, CSR in and for
21 the State of Texas, reported by machine shorthand, at
22 the law offices of Abernathy Roeder Boyd Hullett, 1700
23 N. Redbud Boulevard, Suite 300, McKinney, Texas 75069,
24 pursuant to the Federal Rules of Civil Procedure and the
25 provisions stated on the record or attached hereto.

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1 A P P E A R A N C E S
2

3 FOR THE PLAINTIFF:

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5 Mr. Joshua T. Bleisch
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14 DISTRICT:

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26 ALSO PRESENT:

27 Ms. Monica Velazquez,
28 General Counsel, Collin College

29 Terry VanDerHeyden - Videographer

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We are now on record. This is the videotaped deposition of Abe Johnson in the matter of Joseph Michael Phillips versus Collin County Community College District, et al.

Today's date is February 14th, 2023. The time is 9:05 a.m. The appearances have been captured by the court reporter.

Will the reporter please swear in the witness.

ABE JOHNSON,
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. GRUEBEL:

Q. Good m

Q. Good morning, Mr. Johnson.

A. Good morning.

Q. My name is Greg Gruebel. I represent Michael Phillips in this case. I've asked to depose you because I think you have information that's relevant to the claim, and I will be asking you about it this morning.

Can you state your name and address for the record?

A. Abe Johnson, 6516 Briar Ridge Lane, Plano.

Q. And have you ever been deposed before?

A. No.

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1 provost. I was provost in 2015, 2016.

2 Q. And what do you do as provost -- or what did
3 you do as provost?

4 A. Provosts are over campus in our system. And
5 then the faculty staff and other services essentially
6 report up to the provost.

7 Q. And who do you report to?

8 A. As a provost, I reported to the executive vice
9 president initially, then later on the senior vice
10 president of campus operations.

11 Q. Who are those people?

12 A. Executive vice president was Brenda Kihl.

13 Q. Uh-huh.

14 A. And the senior vice president of campus
15 operations was Toni Jenkins.

16 Q. And how long were you provost?

17 A. 20- -- about four years.

18 Q. When did you -- what's your current role?

19 A. My current role is a senior vice president of
20 campus operations.

21 Q. And when did you start that role?

22 A. Late 2020.

23 Q. How did you get that position?

24 A. It was a promotion.

25 Q. Did somebody retire that had -- there was an

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1 Phillips. My interactions with him would have begun
2 when I -- not interaction. Knowing -- he would have
3 been in my line when I moved to Plano campus as a
4 provost.

5 Q. And when was that?

A. 20- -- sometime in 2018.

7 | Q. Okay.

8 (Exhibit 3 marked.)

9 Q. (BY MR. GREUBEL) I'm going to hand you what's
10 been marked as Exhibit Johnson 3. Take a moment to read
11 it and let me know when you're ready to talk about it.

12 Have you ever seen the document that's been
13 listed as Exhibit Johnson 3?

A. I'm so sorry. Can you repeat?

15 Q. Sorry. Have you ever seen the document that I
16 just handed you that's been marked as Johnson 3?

17 A. It's an employee coaching form. I would not
18 have seen this.

Q. So that wouldn't have come to your attention?

A. Not at that level, no.

21 O. Okay. So have you ever seen it before?

A. Have I seen this before?

23 O. Yeah.

A. Not at the time it was going on.

Q. When did you -- when do you recall seeing it

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1 One thing comes to my mind, in 2018 during
2 a walk, I met -- if I recall correctly, I saw
3 Dr. Phillips in the hallway and he told me that he has
4 this idea of having a bookcase where we can display the
5 best works of the faculty.

6 And I said that's a brilliant idea. Let's
7 do it. Let's set up with the faculty. But I recall, if
8 I recall correctly, I did ask him to go put a proposal
9 together and work it through the channels.

10 So Dr. Phillips knew that it can be done.
11 But what we see here in the 2021 where I was reviewing
12 his package, it's a different Dr. Phillips, who did not
13 use the available avenues to raise his concerns, to work
14 together.

15 In fact, as correctly stated here in my
16 opinion, disrespect of the supervisors, and that is the
17 reason why I did not recommend Dr. Phillips.

18 Q. In this form that we're looking at that's 2374,
19 it references a Facebook post -- or posted a copy of a
20 PowerPoint slide and then a July 2019 formal coaching --
21 informal coaching in June 2020, and the verbal email
22 announcements in August 2021.

23 So when you made your decision, were you
24 considering all of these things?

25 A. My decision has been solely based on

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1 Dr. Phillips not making the available opportunities to
2 work with administration and other internal channels of
3 communication to raise concerns and work with us to come
4 toward a solution.

5 That refusal to me is a pattern that shows
6 the disrespect for the institution as well as the
7 supervisors to the point -- I care about all these
8 people, including faculty, including Dr. Phillips -- to
9 the point where three of my direct -- three of my
10 administrative group, the associate dean, the dean,
11 and the provost felt that it's difficult to work with
12 this faculty.

13 To me that's a strong message and I found
14 that is to be the case and I made my decision, not renew
15 Dr. Phillips because of that.

16 Q. That bookcase idea of Dr. Phillips where he
17 went through the appropriate channels, is there a
18 bookcase now somewhere on Collin College's campus that
19 is used to show off the works of faculty members?

20 A. I'm not aware of it. I don't know if
21 Dr. Phillips followed through. I'm not aware of it.
22 COVID happened. Multiple things happened, you know. Is
23 it a good idea still? It's a great idea.

24 Q. According to you?

25 A. I can only speak for myself.

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4 JOSEPH MICHAEL PHILLIPS,)
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6 VS.) No. 4:22-cv-184-ALM
7 COLLIN COUNTY COMMUNITY)
COLLEGE DISTRICT, et al.,)
Defendants.)

9 REPORTER'S CERTIFICATION
10 DEPOSITION OF ABE JOHNSON
FEBRUARY 14, 2023

11 I, Christy Cortopassi, Certified Shorthand Reporter
12 in and for the State of Texas, hereby certify to the
13 following:

14 That the witness, ABE JOHNSON, was duly sworn by
15 the officer and that the transcript of the oral
16 deposition is a true record of the testimony given by
17 the witness;

18 That the deposition transcript was submitted on
19 3-10-23 to the witness or to the attorney
20 for the witness for examination, signature and return to
21 me by 4-10-23;

That the amount of time used by each party at the deposition is as follows:

24	Mr. Greg H. Greubel.....	02:56
	Mr. Charles Joseph Crawford.....	00:00
25	Mr. Joseph Bailey McShane.....	00:00

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I further certify that pursuant to FRCP No.

2 30(f)(i) that the signature of the deponent:

3 X was requested by the deponent or a party
4 before the completion of the deposition and that the
5 signature is to be returned within 30 days from date of
6 receipt of the transcript. If returned, the attached
7 Changes and Signature Page contains any changes and the
8 reasons therefor;

9 ____ was not requested by the deponent or a party
10 before the completion of the deposition.

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Certified to by me this 10th of March,
17 2023.

Chas. R. Linton

Christy Cortopassi, Texas CSR 6222
Expiration Date: 10/31/2024

Firm Registration No. 633
Magna Legal Services
866.624.6221
www.MagnaLS.com

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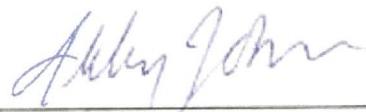
1 I, ABE JOHNSON, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4

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7



ABE JOHNSON

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_____ No changes made Amendment sheet(s) attached

JOSEPH MICHAEL PHILLIPS

Vs.

COLLIN COUNTY COMMUNITY COLLEGE DISTRICT, et al.

JOB NO. 916116

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CHANGES AND SIGNATURE

WITNESS ABE JOHNSON

DATE FEBRUARY 14, 2023

PAGE	LINE	CHANGE	REASON
6	19	"and second" to "and the second"	Grammar
6	19	"is 2000" to "began in 2000 "	Correction
7	6	"--" to "college here in the US "	Clarification
8	10	"five years" to "three years"	Misspoke
9	4	"campus" to "campuses"	Grammar
9	12	"Brenda Kihl" to "Dr Brenda Kihl"	Correction
9	15	"Toni Jenkins" to "Dr Toni Jenkins"	Correction
9	17	"20- --" to "2016 to 2020"	Correction
9	22	"Late 2020" to "March 2021"	Misspoke
10	23	"Mary Barnes-Tilley" to "Dr Mary Barnes-Tilley"	Correction
10	23	"Mary McRae" to "Dr Mary McRae"	Correction
10	24	"Brenden Mesch" to "Dr Brenden Mesch"	Correction
10	24	"Sarah Lee" to "Dr Sarah Lee"	Correction
10	25	"David Stephens" to "Dr David Stephens"	Correction
14	7	"thing" to "policy"	Correction
14	11	"clear" to "clearly"	Grammar
15	1	"what the process" to "where in the process"	Clarification
15	22	"visible" to "eligible"	Correction
15	23	"we go through" to "the eligible set of faculty go through"	Correction
16	8	"from Like" to "from my"	Correction
16	12	"As a Provost," to "As a Provost?"	Grammar
17	5	"meets" to "met"	Grammar
18	5	"as an employee" to "as an employee,"	Punctuation
19	25	"To my level" to "At my level,"	Correction
20	8	"folders" to "multi-year packets"	Correction
20	25	"commit" to "come to"	Correction
22	23	"in my --" to "on my Fb page"	Correction
29	3	"Social media posts," to "Social media posts?"	Punctuation
30	15	"history" to "History"	Grammar
30	24	"line of - - in - -" to "line of reporting"	Correction
32	12	"not in my" to "not under my"	Correction
33	20	"signature" to "signatures"	Grammar
34	6	"it says" to "it said"	Grammar
35	24	"periodical" to "periodically"	Grammar
36	2	"courtesy on their part" to "opportunity for them"	Correction
36	8	"faculties" to "faculty is"	Grammar

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38	21	"happens" to "happened"	Grammar
43	7	"discipline" to "concern"	Correction
43	23	"to form" to "over"	Correction
43	24	"It's not standard" "It varies across the district"	Misspoke
44	21	"there's a districtwide" to "It is districtwide,"	Correction
45	1	"then --" to "then district discipline dean,"	Correction
47	9	"that's the end" to "that was the end"	Grammar
49	2	--"to "moved to the Plano campus--"	Correction
49	3	"in my line" to "in my line of reporting"	Correction
51	19	"to --"to "the person who informed me --"	Correction
54	4	"no action" to "no action,"	Grammar
54	14	"the decisions" to "district's decisions"	Clarification
55	14	"This is" to "These are"	Grammar
56	14	"for this disposition" to "instructions"	Correction
59	22	"and -- would" to "and the dean met with"	Clarification
65	6	"Mike" to Michael Phillips"	Misspoke
69	23	"service" to "college service"	Correction
71	1	"violated" to "evaluated"	Correction
72	8	"of the -- did not" to "and he did not"	Correction
72	15	--" to "my team"	Correction
74	9	--" to "reports"	Correction
90	10	"this file" to "in his file"	Clarification

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26 ALSO PRESENT

27 Ms. Monica Velazquez,
28 General Counsel, Collin College

29 Terry VanDerHeyden - Videographer



RE: Abe Johnson

April 11, 2023

Dear Client:

We are forwarding these documents to you as the custodial attorney in this matter. This transcript is being handled pursuant to the Federal Rules of Civil Procedure and we have copied all parties on the Changes and Signature page(s) with the attached Certificate of Deposition submitted by the deponent to our office.

The items marked refer to the attached documents.

The Changes and Signature page(s) was returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript(s) and the Changes and Signature page(s) with the attached Certificate of Deposition to you as the custodial attorney in this matter for safekeeping. All parties will be copied on the Changes and Signature page(s).

The deponent returned the Changes and Signature page(s) within the specified time limit, however, the Changes and Signature page(s) was inadvertently returned without the original transcript. All parties have been copied.

The Changes and Signature page(s) was not returned to our office within the specified time limit; therefore, we are forwarding the original deposition transcript to you as the custodial attorney in this matter.

The Changes and Signature page(s) was returned to our office unexecuted. We are forwarding the original deposition transcript to you as the custodial attorney in this matter.

The deponent returned the Changes and Signature page(s) enclosed after the specified time limit. All parties have been copied as a courtesy.

This is to notify you that the examination and signature was not requested by the deponent and/or a party before the completion of the deposition; therefore, signature is waived pursuant to the Federal Rules of Civil Procedures. All parties have been copied via e-mail.

A copy of the Changes and Signature page(s) was previously returned within the specified time limit. We are now in receipt of the Original Deposition Transcript and/or Changes and Signature page(s); therefore, we are returning it to you as the Custodial attorney in this matter for safekeeping.

Amended.

Should you have any questions or concerns, please feel free to contact our office.

Sincerely,
KTA Certs Department
Certs@KTandA.COM
Nancy Renfroe – Department Manager